

sues and sales of clothing, such values to be determined on a basis which will not increase the capital of the fund. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 550.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* A Coast Guard supply fund was established by the Naval Appropriation Act for fiscal year 1943 approved February 7, 1942, 56 Stat. 73. Experience has clearly shown that it is advantageous to the Government to have permanent authorization for such a fund. 81st Congress, House Report No. 557.

#### § 651. Annual report.

In January of each year, the Commandant, through the Secretary, shall report to Congress the operations and expenditures of the Coast Guard during the preceding fiscal year. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 550.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., §§ 36, 37 (Oct. 2, 1888, ch. 1069, 25 Stat. 511; Jan. 28, 1915, ch. 20, § 5, 38 Stat. 802).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

#### § 652. Removing restrictions.

Any law removing for the duration of a war or national emergency proclaimed by the President any restriction contained in any then-existing law as applied to the Navy, including, but not limited to, restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel, shall, in the same manner and to the same extent, remove such restrictions as applied to the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 550.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* This section is new and provides that any law removing for the duration of a war or national emergency any restriction contained in any then-existing law as applied to the Navy shall operate in the same manner to remove such restrictions as applied to the Coast Guard. Included are restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel. This provision is designed to enable the Coast Guard to operate as efficiently as the Navy Department in time of war or during a national emergency and would permit the Coast Guard more effectively to maintain itself in a state of military readiness during periods of emergency. Since the Coast Guard operates as part of the Navy in time of war, it is essential that its operations be as flexible and as efficient as those of the Department of which it is to be a part. This section would prevent inadvertent failures specifically to mention the Coast Guard in legislation of the type described in this section from hindering service operations. 81st Congress, House Report No. 557.

#### § 653. Employment of draftsmen and engineers.

The Coast Guard may employ temporarily, at the seat of government, draftsmen and engineers for the preparation of plans and specifications for vessels, lighthouses, aids to navigation, and other projects for the Coast Guard that may be authorized or appropriated for by Congress, to be paid from the appropriations applicable to such projects. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 550.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 33, U. S. C., 1946 ed., § 716 (June 17, 1910, ch. 301, § 9, 36 Stat. 538; July 27, 1939, ch. 388, § 1, 53 Stat. 1130).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

## Part II.—COAST GUARD RESERVE AND AUXILIARY

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#### AMENDMENTS

1950—Act Aug. 3, 1950, ch. 536, § 34, 64 Stat. 408, amended analysis by substituting "Sec." for "Page".

#### CROSS REFERENCES

Armed Forces Reserve, see chapter 25 of Title 50, War and National Defense.

### Chapter 21.—COAST GUARD RESERVE

- Sec.  
 751—753. Repealed.  
 754. Grades and ratings; military authority.  
 755. Pay, allowances, and other benefits.  
 756. Temporary membership; eligibility; compensation.  
 757. Exemption from military training and draft.  
 758, 759. Repealed.  
 760. Disability or death benefits for temporary members.  
 761. Engaging in civil occupation; leave for training duty.  
 762. Women's Reserve.

§§ 751-753. Repealed. July 9, 1952, ch. 609, part VIII, § 803, 66 Stat. 505.

Section 751, acts Aug. 4, 1949, ch. 393, § 1, 63 Stat. 551; Aug. 3, 1950, ch. 536, § 31, 64 Stat. 408, related to the purpose and administration of the Reserve, and is now covered by chapter 25 of Title 50, War and National Defense.

Section 752, act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 551, related to eligibility and is now covered by chapter 25 of said Title 50.

Section 753, act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 551, related to term of appointment, duty and training, and is now covered by chapter 25 of said Title 50.

## EFFECTIVE DATE OF REPEAL

Repeal of sections as effective on the first day of the sixth month following July 1952, see note set out under section 901 of Title 50, War and National Defense.

## § 754. Grades and ratings; military authority.

The grades and ratings, including cadets, in the Reserve shall be the various grades and ratings not above rear admiral, prescribed by law for the Coast Guard. Members of the Reserve, while engaged on active duty, shall be vested with the same power, authority, rights, and privileges in the execution of their duty and shall wear the same uniforms as members of the regular Coast Guard of corresponding grades or ratings. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 551.)

## HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., §§ 303, 305 (Feb. 19, 1941, ch. 8, title II, §§ 203, 205, 55 Stat. 11; July 11, 1941, ch. 290, § 10 (3), 55 Stat. 587; June 6, 1942, ch. 385, § 1 (2), 56 Stat. 329).

Section 305 of title 14, U. S. C., 1946 ed., has been divided. That part relating to power, authority, rights, and privileges of members of the Reserve is placed in this section. The remainder is placed in section 753 of this title.

The restriction on grade contained in title 14, U. S. C., 1946 ed., § 303 is raised from captain to rear admiral. The restriction on initial appointment is eliminated entirely so that initial appointments in the Reserve may be made in the grade of rear admiral or below.

The phrase "in the execution of their duties" is added to that part which defines the rights and privileges of reserve officers.

Changes were made in phraseology. 81st Congress, House Report No. 557.

## § 755. Pay, allowances, and other benefits.

(a) Personnel of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same pay, allowances, and benefits as provided for personnel of the Naval Reserve of corresponding grade, rating, and length of service. In determining length of service for the purpose of this section, there shall be included all service for which credit is given by law to members of the regular Coast Guard.

(b) The provisions of Chapter 13 of this title, except for sections 461, 462 and 485 (c), shall apply to members of the Reserve under the same conditions and limitations as are applicable to officers and enlisted men of the Regular Coast Guard.

(c) Members of the Reserve who suffer sickness, disease, disability, or death shall be entitled to the same benefits as prescribed by law for members of the Naval Reserve who suffer sickness, disease, disability, or death under similar conditions.

(d) Members of the Reserve, when on active duty or when retired for disability, shall be entitled to the benefits of section 253 (a) of title 42, and, when on active duty other than training duty or when retired for disability, shall be entitled to the benefits of section 253 (b) of title 42.

(e) Members of the Coast Guard Reserve shall be entitled to the same retirement benefits as prescribed by law for personnel of the Naval Reserve, and wherever any such law confers authority upon the Secretary of the Navy, similar authority shall be deemed given to the Secretary of the Treasury to be

exercised with respect to the Coast Guard when the Coast Guard is operating under the Treasury Department. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 551; Aug. 3, 1950, ch. 536, § 32, 64 Stat. 408.)

## HISTORICAL AND REVISION NOTES

*Reviser's Note.* Subsection (a) is based on title 14, U. S. C., 1946 ed., § 306 (Feb. 19, 1941, ch. 8, title II, § 206, 55 Stat. 11; July 11, 1941, ch. 290, § 10 (4), 55 Stat. 588; June 6, 1942, ch. 385, § 1 (3), 56 Stat. 329; Nov. 23, 1942, ch. 639, § 2 (4), 56 Stat. 1021).

Reference to cadets is omitted because they are included in the broad term "Personnel of the Reserve".

The last two sentences of said section are eliminated as no longer needed; the section as rewritten is intended to cover the special situations referred to in the last two sentences by assimilation to pay of the Naval Reserve.

Subsection (b) is new and insures that all benefits prescribed in Chapter 13 for Regular personnel with specified exceptions are equally available to members of the Reserve.

Subsection (c) is based on title 14, U. S. C., 1946 ed., § 311 (Feb. 19, 1941, ch. 8, title II, § 211, 55 Stat. 12).

Said section has been divided. That part relating to members of the Reserve is placed in this section. That part relating to temporary members of the Reserve is covered in section 893 of this title.

Subsection (d) is new and provides that members of the Reserve shall in case of sickness or injury suffered while on active duty be entitled to the same treatment and hospitalization as Regular personnel.

Subsection (e) is based on title 14, U. S. C., 1946 ed., § 186 (June 29, 1948, ch. 708, § 311, 62 Stat. 1090).

Said act provides for the retirement of members of the Coast Guard Reserve along with members of the reserve components of the other armed forces. This section assimilates the retirement of members of the Coast Guard Reserve to members of the Naval Reserve; this is more in accord with other laws relating to members of the Coast Guard Reserve.

Said act, in its application to the other armed forces, would in no way be changed.

Changes were made in phraseology. 81st Congress, House Report No. 557.

## AMENDMENTS

1950—Subsec. (d) amended by act Aug. 3, 1950, to permit members of the Reserve who are retired for disability to receive medical treatment and hospitalization the same as regular members.

## § 756. Temporary membership; eligibility; compensation.

The Commandant may enroll as temporary members of the Reserve, for duty under such conditions as he prescribes, including but not limited to part-time and intermittent active duty with or without pay, and without regard to age, citizens of the United States, its territories and possessions who are members of the Auxilliary, officers and members of the crew of any motorboat or yacht placed at the disposal of the Coast Guard, or persons (including Government employees without pay other than compensation of their civilian positions) who by reason of their special training and experience are deemed by the Commandant to be qualified for such duty. The Commandant is authorized to define the powers and duties of temporary members of the Reserve, and to confer upon them, appropriate to their qualifications and experience, the same grades and ratings as are provided for the personnel of the Reserve. When performing active duty with pay, as authorized by this section, temporary members of the Reserve shall be entitled to receive the pay and

allowances of their respective ranks, grades, or ratings, authorized for members of the Reserve. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 552.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., § 307 (Feb. 19, 1941, ch. 8, title II, § 207, 55 Stat. 12; June 8, 1942, ch. 385, § 1 (4), 56 Stat. 329; Oct. 26, 1942, ch. 628, 56 Stat. 990; Nov. 23, 1942, ch. 639, § 2 (5), 56 Stat. 1021; Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352).

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

#### § 757. Exemption from military training and draft.

Members of the Reserve, other than temporary members, shall be exempt from registration and liability for military training and service under any other law, and no member of the Reserve, other than a temporary member, shall be a member of any other naval or military organization. Temporary members of the Reserve who are members of any other naval or military reserve, if ordered to active duty therein, shall be forthwith released from all active duty with the Coast Guard, and their status as temporary members of the Reserve terminated. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 552.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., § 308 (Feb. 19, 1941, ch. 8, title II, § 208, 55 Stat. 12).

Reference to the Auxilliary is eliminated because it is not a military service.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### § 758. Repealed. May 5, 1950, ch. 169, § 14 (u), 64 Stat. 148, eff. May 31, 1951.

Section, act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 552, related to discipline and is now covered by the Uniform Code of Military Justice which is classified to chapter 22 of Title 50, War and National Defense.

#### § 759. Repealed. July 9, 1952, ch. 608, part VIII, § 803, 66 Stat. 505.

Section, act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 551, related to uniform allowance, and is now covered by chapter 25 of Title 50, War and National Defense.

#### EFFECTIVE DATE OF REPEAL

Repeal of section as effective on the first day of the sixth month following July 1952, see note set out under section 901 of Title 50, War and National Defense.

#### § 760. Disability or death benefits for temporary members.

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of

the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the Secretary of Labor in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefit computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of \$150.

(b) This section does not apply in any case coming within the purview of the Workmen's Compensation Law of any state, territory, or other jurisdiction because of a concurrent employment status of such temporary member; and where such temporary member or dependent would be entitled to a benefit under the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties and also to any concurrent benefit from the United States on account of the same disability or death, such temporary member or dependent shall elect which benefit he shall receive.

(c) Whenever, pursuant to this section a claim is filed with the Secretary of Labor for benefits because of an alleged injury or death, the Secretary of Labor, or such officer, agency, or employee of the Department of Labor as he shall designate, shall notify the Commandant who shall cause an investigation to be made into the facts surrounding such alleged injury and make certification with respect thereto, including certification as to such injured or deceased person's temporary membership in the Reserve and his military status, and whether the injury or death occurred incident to service.

(d) Temporary members of the Reserve who incur physical disability or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 553; Oct. 31, 1951, ch. 655, § 15, 65 Stat. 715.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., § 312 (Feb. 19, 1941, ch. 8, title II, § 212, 55 Stat. 12; Nov. 23, 1942, ch. 639, § 2 (7), 56 Stat. 1021; Sept. 30, 1944, ch. 449, § 1, 58 Stat. 756; 1946 Reorg. Plan No. 2, § 3, eff. July 16, 1946, 11 F. R. 7873, 60 Stat. 1095).

Said section has been divided. That part relating to temporary members of the Reserve is placed in this section. That part relating to the Auxilliary is placed in section 832 of this title.

Subsection (d) of section 312 of title 14, U. S. C., 1946 ed., is eliminated because no longer needed.

Changes were made in phraseology. 81st Congress, House Report No. 557.

#### AMENDMENTS

1951—Subsec. (a) amended by act Oct. 31, 1951, which substituted "Secretary of Labor" in lieu of "Bureau of Employees' Compensation, Federal Security Agency".

Subsec. (c) amended by act Oct. 31, 1951, which, in one place, substituted "Secretary of Labor" in lieu of "Bureau", and, in another place, substituted "Secretary

of Labor, or such officer, agency or employee of the Department of Labor as he shall designate" in lieu of "Bureau".

#### TRANSFER OF FUNCTIONS

The Bureau of Employees' Compensation, referred to in this section, was transferred, with its functions, to the Department of Labor, and the functions of the Federal Security Administrator and the Federal Security Agency, with respect to such Bureau, were transferred to the Secretary of Labor, by 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1271, set out in note under section 778 of Title 5, Executive Departments and Government Officers and Employees, which further provided that all of such transferred functions shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

#### § 761. Engaging in civil occupation; leave for training duty.

No existing law shall be construed to prevent any member of the Reserve solely by reason of membership therein from accepting employment in any civil branch of the Federal Government or of the District of Columbia nor from receiving the pay and allowances incident to such employment in addition to the pay and allowances to which he may be entitled as a member of the Reserve, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. Officers and employees of the United States or of the District of Columbia who are members of the Reserve shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency ratings when on training duty in the Reserve, not to exceed 15 calendar days in any one calendar year. All members of the Reserve who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 554.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., § 313 (Feb. 19, 1941, ch. 8, title II, section 213, 55 Stat. 13).

Said section is rewritten to protect directly the rights of members of the Reserve in regard to their profession or occupation in civil life, rather than to protect only Federal or District of Columbia employees by assimilation to members of the Naval Reserve.

Similar provisions for members of the Naval Reserve are contained in title 34, U. S. C., 1946 ed., §§ 853b, 853g. 81st Congress, House Report No. 557.

#### CROSS REFERENCES

Rights and benefits when ordered to active duty, see section 853g of Title 34, Navy.

#### § 762. Women's Reserve.

(a) The Women's Reserve shall be a branch of the Coast Guard Reserve and shall be administered in the same manner as provided for the Reserve in all respects, except as may be necessary to adapt such provisions to the Women's Reserve, or as may be otherwise provided by act of Congress.

(b) Members of the Women's Reserve may be commissioned, appointed, or enlisted in grades and ratings as prescribed by the Secretary, but not above the grade of captain.

(c) Military authority of members of the Women's Reserve may be exercised over other members of the Women's Reserve only.

(d) Members of the Women's Reserve shall not be assigned duty on board combat vessels, or in combat aircraft, nor shall they be otherwise assigned to combat duty. They shall not be assigned to duty other than in the United States, its territories and possessions, and shall not be assigned to duty outside the continental limits of the United States, unless they have requested such duty. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 554.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* This section is designed to provide for a permanent Women's Reserve as a component part of the Coast Guard Reserve, in lieu of the former law which was contained in sections 381—388 of title 14, which sections were repealed by section 1 of the Act of July 25, 1947, ch. 327, 61 Stat. 449. 81st Congress, House Report No. 557.

#### Chapter 23.—COAST GUARD AUXILIARY

##### Sec.

- 821. Administration.
- 822. Purpose.
- 823. Eligibility, enrollments.
- 824. Disenrollment.
- 825. Membership in other organizations.
- 826. Use of member's facilities.
- 827. Vessel deemed public vessel.
- 828. Aircraft deemed public aircraft.
- 829. Radio station deemed government station.
- 830. Availability of appropriations.
- 831. Assignment and performance of duties.
- 832. Injury or death in line of duty.

#### § 821. Administration.

The Coast Guard Auxiliary established on February 19, 1941, is a nonmilitary organization administered by the Commandant under the direction of the Secretary. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

#### HISTORICAL AND REVISION NOTES

*Reviser's Note.* Based on title 14, U. S. C., 1946 ed., §§ 260, 263 (Feb. 19, 1941, ch. 8, title I, §§ 1, 4, 55 Stat. 9, 10).

This section continues the Auxiliary, redefining it as a nonmilitary organization, and providing for its administration. 81st Congress, House Report No. 557.

#### TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

#### § 822. Purpose.

The purpose of the Auxiliary is to assist the Coast Guard:

- (a) to promote safety and to effect rescues on and over the high seas and on navigable waters;
- (b) to promote efficiency in the operation of motorboats and yachts;